



**City of Eureka, CA
City Council Regular Meeting
Tuesday, May 18, 2021
6:00 PM**

COUNCIL CHAMBERS, 531 K STREET EUREKA, CA 95501

AGENDA

ELECTED OFFICIALS

Mayor Susan Seaman

Councilmember Leslie Castellano, Ward 1

Councilmember Kati Moulton, Ward 2

Councilmember Natalie Arroyo, Ward 3

Councilmember Scott Bauer, Ward 4

Councilmember Kim Bergel, Ward 5

LAND ACKNOWLEDGEMENT

The land that Eureka rests on is known in the Wiyot language as Jaroujiji. Past actions by local, State and Federal governments removed the Wiyot and other indigenous peoples from the land and threatened to destroy their cultural practices. The City of Eureka acknowledge the Wiyot community, their elders both past and present, as well as future generations. This acknowledgement demonstrates the City's commitment to dismantle the ongoing legacies of settler colonialism.

HOW TO PARTICIPATE AND VIEW THE EUREKA CITY COUNCIL MEETING:

You can view the City Council meetings live on the City of Eureka's website at www.ci.eureka.ca.gov or on Cable Channel 10. To view from the website, select the Watch City Council Meetings orange button from the home page.

Members of the Public who wish to speak and be heard during the Council meeting, may e-mail the City Clerk at cityclerk@ci.eureka.ca.gov or leave a message at 707.441.4175. The City Clerk will provide the public member with the Zoom meeting link or phone number to log into the meeting for comment.

If you don't want to log in during the meeting, please submit your comment via email to the City Clerk at cityclerk@ci.eureka.ca.gov or you may leave a message at 707.441.4175 prior to 4:00 P.M. on Tuesday, the day of the meeting to ensure that Council receives your comment before

the meeting. All comments received by e-mail or mail will be part of the public record for Council consideration but will not be read aloud during the meeting.

For items not on the agenda, please make a note that is a "Public Comment" submission. Only those messages that state they are for public comment will be included in the record.

PUBLIC COMMENT

(Limited to 3 minutes each speaker on Closed Session items only)

CLOSED SESSION - 5:00 P.M.

If closed session items cannot be completed by 5:55 P.M., they will be continued at the conclusion of the regular agenda, provided there is time. If time does not allow then those closed session items will be continued to the next regular meeting.

Conference with Legal Counsel - Initiation of Litigation (1 Case)

Pursuant to California Government Code paragraph (4) of Subdivision (d) of section 54956.9

Conference with legal counsel – existing litigation

City of Eureka v. Purdue Pharma, L.P., et al.,

United States District Court Northern District of Ohio Case No. 1:18-op-46092

Pursuant to Section 54956.9 California Government Code

Conference with legal counsel - existing litigation

Stacy Cobine, et al v. City of Eureka et al

United States District Court Northern District of California, Oakland Division Case No. 16-cv-02239-JSW

Pursuant to California Government Code Section 54956.9 (d) (1)

REGULAR SESSION – 6:00 P.M.

ROLL CALL

PLEDGE OF ALLEGIANCE

REPORT OUT OF CLOSED SESSION

MAYOR'S ANNOUNCEMENTS

EPD Volunteer Peter Vallerga

Peace Officer Memorial Week 2021

Mental Health Matters Proclamation

PRESENTATIONS

BOARD/COMMISSION REPORTS

PUBLIC COMMENT PERIOD

This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. City Council policy is to limit each speaker to three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers. Members of the Public wishing to address the Council may submit a Speaker Card to the City Clerk and proceed to the podium after being recognized. Speakers will be called up in the order the Speaker Cards are received. Those who have not filled out a Speaker Card will be given an opportunity to speak after all those who have completed Speaker Cards have spoken. The public will be allowed to speak concurrently with the calling of an agenda item following the staff presentation of that item. Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on the Agenda.

TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: A maximum of thirty (30) minutes shall be allotted to receiving public comments at the initial public comment period. If necessary, an additional period shall be allotted to public comments after City Manager Reports, but only if the first 30-minute Public Comment period was not sufficient to allow all those who wished to speak to do so.

A. PUBLIC HEARINGS

Public Hearings are scheduled for a time certain of 6:00 P.M. unless noticed otherwise, or as soon thereafter as possible.

- A.1. Resolution Confirming and Ordering Special Assessments for Unpaid Garbage and Recycling Collection Fees
Recommendation: Hold a public hearing; and
Hear any objections or protests; and
Make adjustment as deemed just; and
Adopt a resolution of the City Council providing for collection of fees.

B. CONSENT CALENDAR

Notice to the Public: All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Pursuant to City Council Resolution 2011-22, if a member of the public would like an item on the Consent Calendar pulled and discussed separately, the request shall be made to a Councilmember prior to the meeting. Unless a specific request is made by a Councilmember, the Consent Calendar will not be read. There will be no separate discussion of these items.

- B.1. Council Meeting Minutes
Recommendation: Approve the regular Council minutes of May 4, 2021 as submitted.
- B.2. Linc Housing Affordable Housing and Sustainable Communities Grant Application
Recommendation: Adopt a resolution authorizing application for Affordable Housing and Sustainable Communities Program grant funds.
- B.3. Letter of Support - California Advanced Services Fund (SB-4)
Recommendation: Approve a letter of support for pending legislation, California Advanced Services Fund (SB-4).

B.4. Washington Street Pump Station Equipment Purchase

Recommendation: Approve sole source purchase of six (6) sanitary sewer pumps from Xylem, Inc. (Flygt Pumps); and approve purchase from Xylem, Inc. in the amount of \$486,792.00 with an assumed tax of 8.5%, startup cost of \$6,925.00, and freight cost of \$17,280.00 for a total of \$553,591.30.

B.5. Letter of Support – NCRA Railbanking

Recommendation: Approve a letter of support for the railbanking of the North Coast Railroad Authority's (NCRA) right-of-way from Willits to Samoa.

B.6. Sewer Maintenance 2021 Project - Award

Recommendation: Declare Insituform Technologies, LLC the preferred bidder on Sewer Maintenance 2021 Project; and award Bid No. 2021-13 to Insituform Technologies, LLC for the amount of \$1,551,244.00; and approve \$1,700,000.00 for construction, which includes 10% for contingency

C. ORDINANCES/RESOLUTIONS

C.1. Text and Local Coastal Program (LCP) Amendment to increase Coastal Service Commercial (CS) Zone district building height limit from 35 feet to 55 feet

Recommendation: Waive full reading, read by title only and adopt Bill No. 996 -C.S., an "Ordinance of the City Council of the City of Eureka amending the Implementation Plan portion of the Local Coastal Program to maintain the building height limit of 35 feet within the Coastal Service Commercial (CS) Zone District inland of Highway 101 northeast of Eureka Slough", and;

Adopt "A Resolution of the City Council of the City of Eureka requesting certification of the modified Text and Local Coastal Program (LCP) ordinance to increase the Coastal Service Commercial (CS) zone district height limit from 35 feet to 55 feet."

D. REPORTS/ACTION ITEMS

D.1. Future Council Meetings

Recommendation: Discussion; and

Provide direction regarding how the Council will conduct future Council Meetings after June 15, 2021.

E. CITY MANAGER REPORTS

E.1. Housing Element Update

F. COUNCIL REPORTS / CITY-RELATED TRAVEL REPORTS

ADJOURNMENT

If open session items cannot be completed by 9:30 P.M., the meeting may be adjourned to the next regular meeting or Council may vote to extend the meeting.

NOTICES

The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon the request and consensus of the Mayor and Council.

Any writing that is a public record not exempt from public disclosure and relating to an agenda item for open session of the City Council is available for public inspection at the Office of the City Clerk, 531 K Street, Eureka, CA 95501.

The meeting rooms are ADA accessible. Accommodations and access to City meetings for people with special needs must be requested of the City Clerk at 441-4175 72 hours in advance of the meeting. This agenda and other materials are available in alternate formats upon request.

All persons in attendance at public meetings are requested to observe the following rules of civil debate:

- 1. We may disagree, but we will be respectful of one another.*
- 2. All comments will be directed to the issue at hand.*
- 3. Personal attacks are unacceptable*
- 4. Applauding or other displays of approval/disapproval are discouraged.*

Regular City Council meetings are broadcast live by Humboldt Access on Cable Channel 10 and live streamed on the City's web site at [www. ci.eureka.ca.gov](http://www.ci.eureka.ca.gov).

To minimize distractions, please be sure all personal communications devices are on silent mode.

Questions? Please e-mail cityclerk@ci.eureka.ca.gov or contact the City Clerk's office at (707) 441-4175.